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OFFICE OF PETITIONS

In re Application of	:	
Diane Nerby	:	
Application No. 10/678,048	:	DECISION ON PETITION
Filed: October 2, 2003	:	
Attorney Docket No. 927-001	:	

This is a decision on the renewed petition under the 37 CFR 1.137(b), filed January 5, 2009, to revive the above-identified application.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Joe H. Shallenburger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

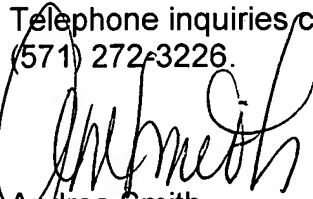
In response to the decision mailed August 7, 2008, which set a time period of two months from the mail date of the decision, petitioner submits the present renewed petition and an authorization to charge an extension of time and/or any other fees as required. Since the present renewed petition was not filed until January 5, 2009, a three months extension of time is required. Thus, \$555 will be charged to petitioner's deposit account.

Since the above-identified application has been abandoned for an extended period of time, the Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The requirements of 37 CFR 1.137(b) has been satisfied, in that petitioner has supplied (1) the reply in the form of an executed oath/declaration; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is written over the printed name and title.

Andrea Smith
Petitions Examiner
Office of Petitions